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Attorneys for Petitioners

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING**

WILDEARTH GUARDIANS and SIERRA CLUB,)	
Petitioners,)	
)	
v.)	
)	
UNITES STATES BUREAU OF)	
LAND MANAGEMENT,)	Case No. 2: 13-CV-42-J
Respondent,)	
)	
and)	
)	
STATE OF WYOMING, <i>et al.</i>)	
Respondent-Intervenors.)	

PETITIONERS' RESPONSE TO ORDER FOLLOWING STATUS CONFERENCE

Petitioners WildEarth Guardians and Sierra Club, (collectively, “Petitioners”), file this response to the Court’s September 18, 2019 Order Following Status Conference and Setting Deadlines. ECF Doc. 246, (hereafter “Order”). As part of that Order, the Court noted that Petitioners could decide “to seek leave to amend the petition or . . . to pursue relief in a new action challenging the agency’s actions and decisions in response to the Tenth Circuit’s directives and after this Court’s remand to the agency for further action.” Order at 4. The Court ordered that “if the petitioner in Case No. 13-CV-042-J elects to proceed further in this matter, any motion asking for leave to file an amended petition shall be filed on or before October 17, 2019.” *Id.* at 5.

Pursuant to this Court’s Order, Petitioners in Case No. 13-CV-042-J, affirm that they do not intend to seek leave to amend the complaint in the current case. In this matter, the Tenth Circuit invalidated Federal Defendants’ environmental review under the National Environmental Policy Act and Administrative Procedure Act. *WildEarth Guardians v. BLM*, 870 F.3d 1222 (10th Cir. 2017). This Court remanded this matter to the Bureau of Land Management (“BLM”) for further environmental review. BLM has completed that review and resolved attorney’s fees for Petitioners under the Equal Access to Justice Act. In Petitioners view, there is nothing left to do in this matter. As noted in the Court’s Order and as explained by counsel for Federal Defendants at the September 18, 2019 status conference, any challenge to BLM’s subsequent environmental review can be brought pursuant to the Administrative Procedure Act, 7 U.S.C. § 706.

Therefore, Petitioners believe the entry of final judgment in Case No. 13-CV-042-J is appropriate.

Respectfully submitted this 17th day of October, 2019.

/s/ Samantha Ruscavage-Barz

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CERTIFICATE OF SERVICE

I certify that on October 17, 2019, I electronically filed the foregoing with the Clerk of the U.S. District Court of Wyoming using the CM/ECF system, thereby causing a notice of electronic filing to be sent to the attorneys of record in this case.

/s/ Samantha Ruscavage-Barz

Samantha Ruscavage-Barz
Counsel for Petitioners